

Notice of Allowability

Application No.

09/808,645

Examiner

James R. Brittain

Applicant(s)

CLUNE, WILLIAM

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's communication of May 17, 2004.
2. ☒ The allowed claim(s) is/are 5-8, 12, 9, 11, 13-15, 19-26 & 76-94; renumbered 1-37, respectively.
3. ☒ The drawings filed on 26 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

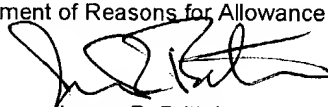
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


James R. Brittain
Primary Examiner
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The following is an examiner's statement of reasons for allowance:

As there have been extensive amendments and indications of allowable subject matter, throughout prosecution the reasons for allowability are brought together in this final summary:

Claim 5 is allowable for the reasons given in the office action mailed May 3, 2004 on page 2 and reproduced below:

The declaration under 37 CFR 1.132 filed February 19, 2004 in conjunction with the amendments made to claim 5 is sufficient to overcome the rejection of claims 5-9, 14 and 76-79 based upon Hilston et al. (WO 97/31605) in view of Suenaga et al. (EP 826354) and Roe et al. (US 5554145) as argued by applicant's representative in the remarks submitted February 19, 2004.

Independent claims 80, 86, 87 and 93 are allowable for the reasons provided by applicant in the communication received July 18, 2003 as reproduced below (92 should read 93):

Applicant, in a reply to an action mailed December 26, 2002, amended claims 5 and 19 and, in response to the Examiner's indication that claims 11, 12, 19 and 25 would be allowable if rewritten in independent form, added independent claims 80, 86, 87 and 92 including the further limitation that the fastener elements have stem portions that are integrally molded with and extend from a fastening section of a surface of a base. Applicant, in the above-identified reply, mistakenly failed to identify claim 87 as including all the limitations of allowable claim 19.

The above was supplementary to applicant's remarks on page 9, ¶2 of the response received March 31, 2003 and reproduced below (92 should read 93):

Applicant has amended claims 5 and 19. Applicant thankfully acknowledges the Examiner's indication that claims 11-13 and 19-26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and independent claims 80, 86 and 92 have been added to recite this allowable subject matter.

The amendment to claim 19 and 87 changed the word "nip" to "gap", a similar descriptor, without changing the scope of the claims.

Claim 80 is allowable for the reason above because there is no suggestion to further modify the method of making the fastener of Hillston et al. (WO 97/31605) as modified by the teachings of Suenaga et al. (EP 826354) to further include coating the undulation with an elastomer.

Claim 86 is allowable for the reason above because there is no suggestion to further modify the method of making the fastener of Hillston et al. (WO 97/31605) as modified by the teachings of Suenaga et al. (EP 826354) to further include filling an area between adjacent peaks with an elastomer.

Claim 87 is allowable for the reason above because there is no suggestion to further modify the method of making the fastener of Hillston et al. (WO 97/31605) as modified by the teachings of Suenaga et al. (EP 826354) and Anspach (FR 2750319) to further include forming the tab by introducing a sheet material into a gap in which the base is molded, the sheet material being folded about a longitudinal fold line to form first and second overlapping fold portions and introduced under conditions selected to cause the second fold portion to become permanently bonded to the resin of the base, while leaving the first fold portion free to be subsequently unfolded from said fold portion about said fold line.

Claim 93 is allowable for the reason above because there is no suggestion to further modify the method of making the fastener of Hillston et al. (WO 97/31605) as modified by the teachings of Suenaga et al. (EP 826354) to further include forming dams along edges of the fastening section.

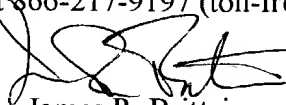
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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB